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SECURITY COUNCIL
Fiftieth year

Letter dated 28 March 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

We have reviewed your report of 22 March 1995 (S/1995/222) with care. It initiates an analysis of numerous factors that impact the future of the United Nations mission within the relevant Republics and of the potential for the successful implementation of the mandate thereof. While the report is a start, it unfortunately leaves many of the most crucial issues relevant to the current discussion unanswered or even unaddressed. Furthermore, it contains some significant assertions of fact, omissions and/or conclusions to which we would like to respond, but in the interest of focus and brevity, herein we will address only the absolutely essential.

We are most disappointed that the report does not address most of the concerns brought out in President Izetbegovic's letter to you of 22 March 1995 (S/1995/216). In particular, we find it unsatisfactory that the report has not proposed modalities and a time-frame for the review of the mandate of the United Nations mission within the Republic of Bosnia and Herzegovina and the implementation thereof. This does not provide our Republic with the necessary comfort, under these circumstances, to extend the current mandate of the United Nations Protection Force (UNPROFOR).

Next, we cannot acquiesce in the omission of our Republic's name from the title of the United Nations mission that is operating in our Republic, and therefore cannot accept the proposals contained in paragraph 84 of the report. This is an unwarranted offence to our sovereignty and territorial integrity which, after all, has been at the core of this conflict. More interestingly, the proposed designations run counter to the entire focus of the Contact Group at this time, which is ostensibly striving to gain the recognition of the Republic of Bosnia and Herzegovina and its sister Republics by the Federal

Republic of Yugoslavia (Serbia and Montenegro). After all, as stated in paragraph 56 of the report, it is the status-of-forces agreement with the Republic of Bosnia and Herzegovina that regulates UNPROFOR's presence in that country.

We would like to highlight also the following in the report, which further contributes to our dismay and concern:

(a) In paragraph 4 of the report, it is stated that:

"Also of great concern are the military alliances that have been formed in the area, including the Joint Defence Council established between the Krajina Serb and Bosnian Serb armies on 19 February 1995 and the formation of the Joint Defence Council between the Croatian Government and the Federation of Bosnia and Herzegovina on 6 March 1995."

Even putting aside the distinction between aggressor and victim, this sentence equates, on the one hand, the formal union of Serbian paramilitary forces actively violating and committed to the destruction of the territorial integrity and sovereignty of two United Nations Member States and, on the other hand, the defensive cooperation between the Republic of Bosnia and Herzegovina and the Republic of Croatia, whose objective is the preservation of such territorial integrity and sovereignty, as well as the protection of our citizens, consistent with the unabridgeable right to individual and collective self-defence engrained in the Charter of the United Nations. The disregard of these most basic distinctions makes us ever more vigilant in our cooperation with the Secretary-General's office in defining, reviewing and/or extending the United Nations mission within the Republic of Bosnia and Herzegovina;

(b) We can certainly agree with the assertion in paragraph 78 that the United Nations force within the Republic of Bosnia and Herzegovina "can do little but to delay rather than prevent a renewed outbreak of hostilities". What concerns us is that the report fails to state that the Government of the Republic of Bosnia and Herzegovina has compromised and unequivocally accepted the Contact Group peace initiative, while the Pale Serbs have not. Since this is the determinant obstacle to further political progress in the peace talks, we must question the motive of this most obvious of omissions and can at best decipher, once again, an attempt to equate the compromising with the non-compromising, the victim with the aggressor;

(c) While citing on several occasions the "no-fly zone", "air-to-ground support" for UNPROFOR by the North Atlantic Treaty Organization (NATO), the deterrent of air strikes by NATO and the overall cooperation between the United Nations mission and NATO in the Republic of Bosnia and Herzegovina, we are surprised by the absence of any mention of the newly deployed anti-aircraft systems within the Republic of Bosnia and Herzegovina. These new anti-aircraft systems are a direct challenge to both the United Nations and the NATO missions and the most serious threat to their personnel. This new challenge and threat is the most significant new factor directly and negatively altering the humanitarian, military and political environment. This was one of the major motivations behind the President's request for the comprehensive review contained in his letter of 22 March 1995;

(d) The report, over all, stresses UNPROFOR's Chapter VI approach to its mandate while marginalizing, even disregarding, the Chapter VII authority adopted in relevant Security Council resolutions. In our view, this acquiesces in the steady erosion of UNPROFOR's mandate and widens the gap between resolutions adopted in the Security Council and their implementation on the ground, further raising the urgency of a review.

As previously indicated, we remain prepared to engage in a constructive dialogue and close cooperation. We are sad to conclude that the report does not provide, as yet, a vision for this dialogue and cooperation. We await clarification regarding the key concerns outlined in our President's letter of 22 March 1995.

May I ask for your kind assistance in circulating this letter as a document of the General Assembly, under agenda item 39, and of the Security Council.

(Signed) Ivan Z. MISIC
Deputy Permanent Representative
Chargé d'affaires a.i.